

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DARNELL ALONZO KEYES,

Plaintiff,

v.

Civil Action No. **3:19CV564**

RICHARD SWANN, et al.,

Defendants.

MEMORANDUM OPINION

On August 23, 2019, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on September 25, 2019, the Court directed Plaintiff to pay an initial partial filing fee of \$28.50 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff responded. However, he failed to proffer an adequate reason why he should be permitted to proceed with this action without prepayment. Accordingly, by Memorandum Order entered on October 24, 2019, the Court again directed Plaintiff to pay an initial partial filing fee of \$28.50 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. More than eleven (11) days have elapsed and Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE**.

An appropriate Order shall issue.

/s/
M. Hannah Lauck
United States District Judge

M. Hannah Lauck
United States District Judge

Date: **NOV 14 2019**
Richmond, Virginia